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Image RCE/1614

PTO/SB/30 (05-03)

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

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Alexandria, VA 22313-1450

Application Number	09/777,554
Filing Date	February 6, 2001
First Named Inventor	Kevin P. Cusack
Art Unit	1614
Examiner Name	Gerts, Robert
Attorney Docket Number	BBC-077/A

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered

and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☐ Other \_\_\_\_\_

**2. Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-0025

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

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b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print / Type)	Gayle B. O'Brien	Registration No. (Attorney / Agent)	48,812
Signature	<i>Gayle O'Brien</i>	Date	February 9, 2004

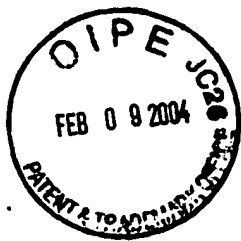
**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	Lisa Rasmussen	Date	February 9, 2004
Signature	<i>Lisa Rasmussen</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT  
Attorney Docket No. BBC-077A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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IN RE APPLICATION OF: : EXAMINER: Gerstl, Robert  
Cusack et al. : ART UNIT: 1626  
: :  
APPLICATION NO.: 09/777,554 : :  
: :  
FILED: February 6, 2001 : :  
: :  
FOR: Benzothiazole Derivatives : :  
: :  
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Commissioner for Patents  
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Alexandria, VA 22313-1450

Sir:

PRELIMINARY AMENDMENT

After entry of the attached Request for Continued Examination, please enter the following amendments. A Final Office Action was mailed April 7, 2003 followed by an Advisory Action mailed August 22, 2003. A Notice of Appeal was filed July 7, 2003, the period for filing an Appeal having been set to expire on September 7, 2003, which has been extended five months to expire on February 7, 2004, pursuant to the Petition for Extension of Time filed herewith. Therefore, the attached Request for Continued Examination is timely filed.

Remarks begin on page 2 of this paper.

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